IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO.154 OF 2006
WITH
CIVIL APPLICATION NO.204 OF 2006
WITH
CONTEMPT PETITION NO.129 OF 2006

Dr.Navin L. Hiranandani. ..Appellant.

V/s.

The Association of Otolaryngologists
of India & Ors. ..Respondents.

Mr.Prakash Shah a/w Archana Gupte with Sidhartha Shah for appellant.

CORAM: A.M.KHANWILKAR,J

DATE : JUNE 28, 2006.

P.C. :

1. Heard.

2. In so far as the order passed by the lower Court which is impugned in this appeal, prima facie, there is no reason to take a different view of the matter. The grievance, which is made before this court is that inspite of the ad-interim order granted by this Court on 6th January, 2006, which was duly communicated to the concerned respondents on the same day, respondents not only proceeded to conduct election but declared the results in breach of the ad-interim injunction of this court; and that the

respondent No.4 who has been declared elected has taken over office of President of the Association. The declaration of the result and taking over the office, it is contended, is willful breach of the ad-interim order passed on 6th January, 2006. The case of willful breach is further fortified from the fact that the notices by courier services have been returned refused by the concerned respondents. However, after going through the petition as filed, particularly averments in paragraph-9 and 10 of the contempt petition, the case which was argued before this court across the bar is not clearly spelt out. The circumstances, however, mentioned in these paragraphs would indicate that the copy of the ad-interim order was sent on fax after 6th January, 2006. Counsel for the petitioner seeks liberty to carry out necessary amendment in the contempt petition and also to place on record material to substantiate the case made out in the proposed amendment. Stand over to 24th July, 2006.

3. It is however, made clear that if the amendment is not carried out on or before 17th July, 2006, both the appeal as well as contempt petition to stand dismissed for non-prosecution without further reference to the court.